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The Krishnan
Commission of Inquiry
Bangalore.
1975

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REPORT OF
THE KRISHNAN COMMISSION OF INQUIRY
BANGALORE

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REPORT OF THE COMMISSION OF INQUIRY, APPOINTED BY THE GOVERNMENT OF KARNATAKA, FOR THE PURPOSE OF MAKING AN INQUIRY, REGARDING THE CAUSE OF DEATH OF SRI GEORGE KUTTI, IN SHOOLAY POLICE STATION, BANGALORE, ETC.

The undersigned was appointed as single Member Commission of Inquiry, under Section-3 of the Commission of Inquiry Act, 1952 (Central Act 60 of 1952) (hereinafter referred to as the Act), by the Government of Karnataka, in its Notification No. HD 724 PCC 77, dated 7th February 1978.

2. The Commission was appointed to enquire and report within two months from the date of Notification on the following :—

(1) the circumstances leading to and the cause of the death of Sri George Kutti in Shoolay Police Station on 24th July 1977;

(2) the persons responsible therefor;

(3) the conduct of the police and other officers, if any, that have dealt with the matter;

(4) Any other relevant matter in this connection.

3. After the receipt of the copy of the Notification, the records from the various Government Offices were called for and they were received. The Notification calling upon the interested persons under Rule-3(b) of the Rules, framed

by the Government of Karnataka, in exercise of the powers conferred by Section-12 of the Act (hereinafter referred to as the Rules) inviting all persons acquainted with the subject matter of the Inquiry, to furnish on or before 4th March 1978 to the Commission, the statement relating to such matters, and file affidavits and documents etc., were got published in the leading Newspapers of Bangalore, namely :—

(1) Deccan Herald, 24th and 25th February, 1978.

(2) Indian Express, 24th and 25th February, 1978.

(3) Hindu, 25th and 26th February, 1978.

(4) Prajavani, 24th and 25th February, 1978.

(5) Kannada Prabha, 24th and 25th February, 1978.

(6) Samyukta Karnataka, 24th and 25th February, 1978.

(7) Janavani, 25th and 26th February, 1978.

As by that date, none filed any statement, affidavit, or documents, it was felt desirable, that a fresh Notification should be got published again, and accordingly fresh Notifications, were got published in the Newspapers, calling upon the concerned persons to file their statements, affidavits etc., on or before 15th March 1978. None responded to either of the Notifications, and filed any statement, affidavit or document before the Commission.

4. Sri H. N. Muniswamy Gowda, Advocate, was appointed by the Government of Karnataka, as the Presenting Officer, for the Commission, and Sri Subramanya Sastry, appeared for the Police Department.

5. By the time of expiry of two months from the date of the Notification, thirty witnesses could be examined by the Commission, and as it was felt, that the enquiry, could not be finished before the time fixed, a letter was addressed to

the Government, for extension of time, and Notification dated 21st April 1978, was received by the Commission on 22nd April 1978, by substituting the words before 6th June 1978, in the earlier Notification. As some of the witnesses who were expected to throw light upon the questions, to be determined by the Commission, were residing in distant places, namely, Calcutta, Kerala and Assam, the Commissioner of Police, was requested to depute some persons personally, to serve those witnesses. Some more witnesses were examined, and the brother of the deceased was examined as P.W. 44, and he prayed for time on 30th May 1978, to give some more particulars, which may assist the Commission to unearth the cause of the death of his brother. As he had not chosen to appear earlier, and render any assistance and as on 30th May 1978, he undertook to furnish some more particulars, and sought for time, and as till then, none had even filed any statement, or affidavit, it was felt desirable, that the time sought for by him, should be granted. But nevertheless, the Enquiry, could not be completed, on or before 6th June 1978, fixed by the Government. Therefore, a letter was again addressed to the Government, for extension of time, by two more months. P.W. 44 engaged Sri V. Krishnan, Advocate to appear for him, and assist the Commission, and he filed Vakalath for P.W. 44. The Government, extended time for completion of the Enquiry by the Commission, upto 5th August 1978 by its Notification dated 22nd June 1978. The Advocate for P.W. 44, sought for recalling of some of the witnesses, who had already been examined, earlier, and also sought for examination of some more witnesses. That prayer was granted. Some of the witnesses who had been earlier examined, were recalled, and examined further. By 3rd August 1978, in all fifty-six witnesses, could be examined, and all the Advocates stated, that they did not want any other witness to be examined. As the arguments of the learned Advocates, were to be

heard, and as the same could not be done, before 5th August 1978, a letter was written for extension of time for submission of the Report. The Shoolay Police Station, and also the spot in Nagayyanapalya, in Maruthisevanagar, wherefrom George Kutti, is stated to have been taken by the Police, were inspected, by the Commission on 5th August 1978. All the Advocates, were present at that time. After the arguments were heard in part, the Advocate for the Commission, Sri H. N. Muniswamygowda, sought for examination of some more witnesses, and as it was found, that it was desirable to examine them, that prayer was conceded, and a letter was again addressed to the Government, for extension of time, for the completion of the Enquiry, till the end of August, 1978. Subsequently, four more witnesses were examined as P.Ws. 58 to 61 and P.Ws. 6, 9 and 50 were again recalled and examined further. The hearing of all the Advocates was completed on 21st August 1978, and the case was reserved on that day for submission of the report to the Government.

6. Thus, in all **sixty-one witnesses have been examined** before the Commission, and forty-nine documents have been marked as Exhibits.

7. The witnesses are given serial numbers, as and when they were examined from 1 to 61, and they have been mentioned as P.Ws. Amongst these witnesses, **fifteen witnesses are Police Officers.** They are P.Ws. 1 to 9, 13, 35, 43, 48, 49 and 50. **Nine witnesses are officials from other departments.** They are P.Ws. 10, 34, 36, 40, 41, 58, 59, 60 and 61. **The rest of the** persons are **private individuals.** At this stage, itself, I may make reference to one more aspect relating to the witnesses who could have thrown some light on the facts in issue. It was stated by the concerned Police Officers, that along with George Kutti, there were two more persons in the Lock-up of Shoolay Police Station, at the relevant time, and they were stated

to be persons from Calcutta, and all the steps taken by the Commission to get at their presence proved, futile. None, including P.W. 44, and his Counsel, was able to suggest, any way, to get at the presence of those persons before the Commission.

8. Having said this much regarding the preliminaries, I shall now take up the points referred to the Commission, by the Government, and the discussion of the evidence placed before the Commission relating to those points. I have already extracted at an earlier stage, of this Report, itself, the particular points, that have been referred to the Commission.

9. According to the version of the Police, this George Kutti, **was arrested on 23rd July 1977,** in connection with **some cycle theft cases,** and when he was being questioned by the Sub-Inspector of Police (Crimes), of Shoolay Police Station, on the morning of 24th July 1977, he developed a sort of fits and died a little later. According to some of the witnesses examined before the Commission, this George Kutti, was taken by the Police, not on 23rd July 1977, but on the night of 21st July 1977. Therefore, the fact, that George Kutti, had been arrested by the Shoolay Police, and that he died in the Police Station, have not been disputed, and have been, practically, conceded by all the parties concerned.

10. Hence, the points, that arise for consideration are :—

(1) Whether George Kutti was arrested on the evening of 23rd July 1977, as sought to be made out by the Police, or whether he was taken to the Shoolay Police Station, much earlier, namely, on the night of 21st July 1977, itself.

(2) Whether George Kutti, died a natural death, or unnatural death.

(3) If George Kutti died an unnatural death, whether he died a homicidal, or suicidal or accidental death.

(4) Are there any persons responsible for the death of George Kutti, and who are those persons ?

11. **Point (i).**—The persons who throw light on the date of arrest of George Kutti, are P.Ws. 1 and 2 and 50 amongst the Police Officers, and amongst the private persons, the witnesses who speak in this regard are, P.Ws. 17, 19, 22, 25, 28, 31, 37, 46, 47 and 55.

12. P.Ws. 1 and 2 have stated, that they took George Kutti on 23rd July 1977, at 6-30 p.m. P.W. 50 has stated, that on that day, at 7-15 p.m., P.Ws. 1 and 2 brought George Kutti, before him, and that he arrested him. P.Ws. 19, 22, 46 and 55 have stated, that George Kutti, was taken by the two policemen from near hotel in Nagayyanapalya on 21st July 1977. It has to be seen, as to how-far the testimony of these witnesses, that George Kutti, was taken by the police on 21st July 1977, is acceptable. P.W. 17 has stated, that he had seen George Kutti, on the Saturday, prior to his death. The death was on Sunday, the 24th July 1977. Therefore, Saturday prior to his death would be 23rd July 1977. That goes to support the version of P.Ws. 1, 2 and 50, rather than the other witnesses who have spoken, that the deceased was taken by the police on the 21st night. P.W. 28 has stated, that on the very next day after George Kutti, was taken, he learnt about his death. P.W. 37 Joseph has also stated, that he had seen George Kutti, on the day previous to his death. The statements of these witnesses necessarily go to support the version of P.Ws. 1, 2 and 50.

13. Amongst P.Ws. 19, 22, 46 and 55 who have given the date of apprehension of George Kutti, by police as 21st July 1977, P.Ws. 19 and 22 are signatories to Ex. P-11. They have not stated in the course of this petition to the effect, that on 21st night itself, the deceased George Kutti was taken by the Police. No explanation is forthcoming

from them, as to why they did not get it mentioned in Ex. P-11 about the date of apprehension of deceased George Kutti, as 21st July 1977.

14. P.W. 19 has stated, that he had seen George Kutti, on the 21st night at 11-00 p.m. He has further stated, that at about 9-30 to 9-45 p.m., he left the autorickshaw in the house of the owner and started towards his house by walk, and when he was at a distance of 10 feet from the house of George Kutti, he saw a crowd of about 10-15 persons in front of the house of George Kutti, and he went near that crowd, and saw two police constables in civil dress in the hotel which was by the side of the house of George Kutti, and he knew one of them, but, he did not know either his name or his buckle number, and he questioned that constable as to, what the matter was, and in reply, he stated, that there was doubt against George Kutti, as he had sold 3-4 cycles in Tannery Road, and therefore, he was taking him for enquiry, and that they took George Kutti, along with them at about 11-00 p.m. In the course of his cross-examination, he has stated, that he had not noted anywhere that on 21st George Kutti, was taken by the police, and he was stating that date on 'andaz'. He was unable to give the day of the week of that date. He has further stated, that the death of George Kutti, had appeared in Tamil Paper, and he was not able to mention the date of the publication of the same. P.W. 22 has stated, that six or seven months prior to his examination, on one night, at about 9-30 p.m., he had seen George Kutti, when he was coming from the City and subsequently, he had not seen him, and two days later, some body told him, that it had appeared in Kannada paper, that George Kutti, died. In the course of his further examination, by the Advocate for P.W. 44, three months after his earlier examination before the Commission, he has stated, that he was present when he (George Kutti) was arrested by the police, and two

policemen were standing near the hotel of Yousuff, and George Kutti came by 9-30 or 10-00 p.m., and that day must be 21st, and three days later, Yousuff, told him, about the death of George Kutti, in the Police Station. In the course of his cross-examination, he has denied, that he came to know about the death of George Kutti only after he read it in paper. This statement of P.W. 22 recorded on 25th July 1978 is definitely an improvement, and even contrary to his earlier version given before the Commission on 6th April 1978. In his earlier version, he has stated, that he had seen George Kutti, when he was coming walking from the City, and he had not subsequently seen him, and two days later, he was told by some body, that it appeared in Kannada paper, that George Kutti, had died. It may be noticed, that he had not stated anything earlier, that he was present at the time when George Kutti was taken by the police, and if two days after his meeting George Kutti, when he was coming from the City, he was told about the news in Kannada paper, regarding George Kutti's death, it goes more to support the version of the Police Officers, rather than his version given subsequently on 25th July 1978. Even he is a signatory to Ex. P-11, and if he knew even on that date, that George Kutti, was taken by the police on 21st night, he could have necessarily got it mentioned in the petition about the same. P.W. 46 has stated, that on 21st July 1977, he was going to his elder brother's house which was by the side of the house occupied by George Kutti, at about 10-30 or 11-00 p.m., on 21st July 1977, and George Kutti, was eating roti in the hotel owned by Yousuff, and two policemen in mufti were outside the hotel. He knew one of them, but, he did not know his name, or number, and in which Police Station, he was working at that time, and later the policemen asked George Kutti, to go with them, and subsequently, he finished eating roti, and went behind them. He has also stated, that three days later, he came to know about the death of George

Kutti. P.W. 55 has stated, that he saw George Kutti, for the last time, when two policemen arrested him, and took him, and that was at 11-00 p.m., on 21st July 1977. He has also stated, that he learnt later, that he died in the Police Station. He has stated, that he has not made any note of the date 21st July 1977, anywhere. When his memory regarding some other dates, such as, the date on which he left his job in Maruthisevanagar, or the date from which he stayed in Maruthisevanagar, or, the date on which he shifted to Indiranagar, was tested, he could not give any of those dates. So far as, 21st of July is concerned, he stated that he was remembering this day, as it was an important thing, and as people were asking him about the date of death of George Kutti. Therefore, generally, the memory of this witness is not so strong, as to remember the several dates, is admitted by him only. But, as according to him, this date was an important one, he remembered the date on which George Kutti, was taken by the police. It is not his case, that he was in any way related to George Kutti, or, was having any close association with him. Therefore, there does not appear to be any substance in his statement, that because it was an important thing, he remembered this particular date only. When the very proprietor of the hotel from which George Kutti, was taken by the police, and who has been examined as P.W. 17 has stated, that he had seen George Kutti, on the Saturday, prior to his death, it is difficult to accept the testimony of the other witnesses, namely, P.Ws. 19, 22, 46 and 55, that George Kutti, was taken on the night of 21st.

15. There are some infirmities in the way in which the records maintained in the Police Station, and also by the concerned constables in the crime section, namely P.Ws. 1 and 2. The Constables and the Head Constables are expected to maintain note books in Form-80 as mentioned in Rule 1001 of Mysore Police Manual, Vol. II, at page-17,

and they are also expected to enter a full account of their doings on beat, or, any special duty in the same, and the Inspectors, and the Sub-Inspectors, have to check and scrutinise the note books of their subordinates, and the note books should be kept in the Station, incharge of the Station Writer, being handed to them when they go out on duty, and received back on their return. P.Ws. 1 and 2 have stated, that they had not maintained any such note book. P.W. 50 has stated, that the Constables, Head Constables attached to Crime Section are mostly illiterates, and therefore, this Rule, is not followed. He has also stated, that the strength of the Crime Section working under him, was two Head Constables and five Constables, and both the Head Constables, and three Constables, out of them were illiterates, and therefore, he was not seriously insisting the Constables and the Head Constables, working in the Crime Section, to maintain the note books, irrespective of the fact, whether any of them amongst them was literate. P.W. 2 has stated, that note books are supplied to them to write their diary about, what work had been entrusted to them,and what work was done by them; and after the note book is exhausted, it is returned back, to the Police Station and a new book is supplied to them. He has further stated, that he returned back that book after it was completed about a year back, and a new book had not been supplied to him, as yet, and he had also not demanded the supply of the same. P.W. 1 has categorically stated that he had not maintained any note books so far to make note of the work entrusted to him, and the work done by him. It has come in the evidence, that both P.Ws. 1 and 2 are literates. Whatever, justification, there may be for non-maintenance of note books as required by Rule-1001 of the Police Mannual referred to already, by the illiterate staff, there is no justification for the literate Constables not to maintain the note books as required under the relevant Rule. This lapse on the part of P.W. 1 and 2

and also that of P.W. 50, in not insisting, atleast, the literate Constables to maintain the note books, shall be referred to me at a later stage. But, it may be noticed, that it was not suggested, on behalf of P.W. 44, or by any other Advocate, that these books have in fact been maintained by P.Ws. 1 and 2, and that they have not been purposely produced before the Commission, as it would go against the Police Department. It would have been better, if the concerned Police Officers, had scrupulously followed the Rule, in this regard, and if so, it would have necessarily supported their version, that George Kutti, was taken to the Police Station, on 23rd July by P.Ws. 1 and 2 as directed by P.W. 50, and not on 21st July. On account of the non-maintenance of the book, the Commission is deprived of a valuable piece of evidence in this regard.

16. It was contended on behalf of P.W. 44, and also by Sri H. N. Muniswamy Gowda, that Nagayyanapalya, in which deceased George Kutti, was living, was not within the limits of Shoolay Police Station, and was within the limits of Kadugondanahalli Police Station, and if any person within the limits of another Police Station, was required for purposes of investigation of a case by Shoolay Police Station, they ought to have intimated that Police Station, and then take action in this regard, and the way they have proceeded without intimating the concerned Police Station, is not in accordance with Law. It was also stated, that when P.W. 50 deputed P.Ws. 1 and 2 to get George Kutti, he should have given written direction for arrest of George Kutti, as required under Section 55 of the Code of Criminal Procedure specifing all the particulars as required under that Section. It is not the case of P.Ws. 1 and 2, or 50, that P.W. 50 had asked P.Ws. 1 and 2 to arrest George Kutti, and that they arrested him near the hotel in Nagayyanapalya. Before arresting the particular person, if he is suspected of having hand in any such nefarious

activity, there is nothing wrong if the Police Officers asked that person to appear in the Police Station, for being questioned to be satisfied, whether he should be arrested, or not. Even for securing the presence of a particular person before the Police Station there is no necessity to comply with Section 55 of the Code of Criminal Procedure. Further it is not the statement of any witness that George Kutti, refused to go to the Police Station, and that against his will he was taken by P.Ws. 1 and 2. Under the circumstances, there was no necessity for P.W. 50 to have complied with Section 55 of the Code of Criminal Procedure. But, even under such circumstances, it would have been better if P.W. 50 had issued a police notice to the concerned person calling upon him to appear before him in the Police Station. That would not have landed him in this kind of trouble.

17. So far as the intimation to be given to Kadugondanahalli Police, before getting the presence of George Kutti to the Police Station, and before arresting him, no provision of the Code of Criminal Procedure, or, the Police Manual, that under such circumstances, no action shall be taken by the Police Officers of one Police Station in respect of the persons living within the limits of another Police Station, was brought to my notice by any of the Advocates. Therefore, it cannot be said, that the action of P.Ws. 1 and 2 and 50 in summoning the presence of George Kutti, to the Police Station, without intimating the Jurisdictional Police, is in anyway unwarranted. Section-58 of the Code of Criminal Procedure, enjoins the Officer in-charge of the Police Station to report to the District Magistrate, the cases of all persons arrested without warrant, and Rule-1328 of the Police Manual, Volume-II, at page-1723, enjoins the Station House Officer, to send to the concerned Magistrate, as soon as possible in all cases of ,arrest without warrant of arrest report in form-69. In the present case, P.W. 50 has stated, that the arrest card was written on 23rd itself, and the

Station Writer has stated, that he despatched it on 25th as 24th was a Sunday. The arrest card was summoned from the Office of the District Magistrate, and the same could not be traced therein. The concerned officers incharge of the particular Section who were expected to come across the arrest card have been examined before this Commission as P.Ws. 58 and 59, 60 and 61.

18. It has come in the evidence of these witnesses, **that the Arrest Card in question was not traced.** It has come in their evidence, that after receipt of the Arrest Cards, they are not entered in any register, in the Office of the District Magistrate. The non-tracing of the Arrest Card, in the Office of the District Magistrate, does not matter, vary much, for purposes of this Enquiry, because, even according to the Station Writer, who has been examined as P.W. 6, he made entry in respect of the Arrest Cards, including the one, with which we are presently concerned, namely, arrest of George Kutti, on 25th July 1977, and sent it for delivery. He has stated, that the Arrest Cards, were given to him on 24th July 1977, and as it was a Sunday, he entered these cards in the tappal book on 25th July 1977, and sent it for delivery. If there was anything on record of the police, to indicate, that on 23rd July 1977 itself, the Arrest Card had been despatched to the District Magistrate, then, the non-tracing of the Arrest Card in the Office of the District Magistrate, would have assumed some prominence. When admittedly the Card has been sent even after the inquest proceedings, and there is explanation, as to, why it was not sent earlier, and further, when it cannot be said, that that explanation is not convincing, the non-tracing of the Card, does not assume any importance. There is no material to disbelieve the statement of P.W. 50, that the counterfoil of the Arrest Card Ex. P-49(a) and the relevant Arrest Card were written on 23rd July 1977, itself. Having regard to all these circumstances of the case, I am satisfied, that

George Kutti, **was arrested only on 23rd July 1977, and not on 21st July 1977.**

19. Even assuming, that the testimony of the several witnesses, that George Kutti, was taken by two Police Constables on 21st July 1977 is accepted, that does not necessarily mean, that he was arrested on that very date. There is no convincing material to show that on 21st, George Kutti, was taken by Shoolay Police only. Again even assuming, that he had been taken by Shoolay Police, when the other witnesses have stated, that they had seen George Kutti, on the Saturday, previous to his death, which means 23rd July 1977, the possibility of once he having been taken on 21st for questioning, and later on, he having been arrested on 23rd cannot altogether be excluded. Under these circumstances, I hold, that it has been established, that George Kutti, was arrested on 23rd July 1977, and not on 21st July 1977. This is my finding on point-(i).

20. Even assuming, that George Kutti was arrested not on 23rd July 1977, but on 21st July 1977 itself, it does not matter very much for purposes of finding out, the cause of death of that person, and also the persons responsible for the same. I shall refer to this aspect, when I take up the other points for consideration.

21. **Point No. 2** .—P.W. 50 is the Sub-Inspector of Police who is stated to have arrested George Kutti, on the evening of 23rd July 1977. He has stated, that on 24th July 1977, the Inspector of Police, told him, that George Kutti, had given information, relating to twenty or twenty five cycles, and that he should go and question him thoroughly and recover those cycles, and at about 10-20 or 10-30 a.m., he took out George Kutti, outside the Lock Up, and then he asked for tea, and he fetched tea from Janatha Hotel, and he drank the same, and when he was talking with him he started shivering, within two or three minutes, and Srikanta,

the Constable, came and started rubbing the palms of George Kutti, and then, he sent immediately words to the Law and Order Sub-Inspector, and the latter came and fetched one Dr. Mascarenhas, and that gentleman examined George Kutti, and declared, that he was dead. The other Police Officers, who have stated about George Kutti, having died outside the Lock Up, when he was talking with P.W. 50 are P.W. 4, P.W. 6, P.W. 7, P.W. 8 and P.W. 9.

22. According to P.W. 43, the Inspector of Police, after the kit inspection, on that day, he questioned George Kutti, and he told him, that he had committed theft of cycles numbering twenty to forty in various places in City, and thereafter, he told this matter to the Sub-Inspector (Crimes), and went to his room in Shoolay Police Station, and at about 10-30 a.m., he heard, that George Kutti, was not well, and a doctor had been brought, and he came near the Lock Up and found that George Kutti was dead, and thereafter, he sent the requisition to the District Magistrate, as per Ex. P-30, to hold the Inquest. Therefore, according to these witnesses, George Kutti, **died at about 10-30 a.m.**

23. The Professor of Forensic Medicine, who conducted the post-mortem examination over the dead body of George Kutti, has been examined as P.W. 36, and he has stated, that he examined the dead body of this George Kutti, on 25th July 1977, between 8-00 a.m., and 9-30 a.m., and he has given his opinion, that the death of the person, must have occurred about twenty-four hours prior to his examination. Nobody, has challenged this opinion of the Doctor, and nothing was also canvassed during the course of the arguments to dispute the opinion of the doctor, in this regard. Therefore, it roughly coincides with the time given by P.W. 50 regarding the time of death of George Kutti. It was tried to be suggested on behalf of P.W. 44, that George Kutti, must have died much earlier. Except for canvassing

such a proposition, no basis was made out by the learned Advocate to hold, that as a matter of fact, George Kutti, had died much earlier. If as a matter of fact, he had died much earlier, the police would not stand to gain anything by making it appear, that this gentleman died later, though he had died much earlier to the given date and time. In fact, P.Ws. 43 and 50 could have been cross-examined in this regard, and even the learned advocate for P.W. 44 has not chosen to dispute the version of these witnesses. When their statements are corroborated by the medical evidence I have absolutely no hesitation to hold, that George Kutti. died on the morning of 24th July 1977, at about 10-30 a.m.,

24. I shall now take up the question, whether George Kutti, died a natural or un-natural death.

25. P.W. 50 and the other Police Officers, who were present in the Police Station, at the time when George Kutti, breathed his last, have no doubt stated, that George Kutti, the prisoner started shivering before he died. Some of the witnesses have referred to the same as that the fell aside, and began to shake his hands and legs. P.Ws. 4, 6, 7 and 8 have stated in this regard. Even accepting the testimony of the witnesses, that there was a sort of shivering, and shaking of hands and legs by George Kutti, before he died, only by virtue of this symptom, it is not possible to conclude that George Kutti, was having fits, and that he died of the same. None of the witnesses who had occasion to have acquaintance with this George Kutti, earlier, has stated, that he was suffering from any such ailment. The relatives of George Kutti, who have been examined as P.Ws. 39 and 44, have also not stated, that he was suffering from any such ailment. There is no material to show, that George Kutti, was suffering from this ailment, at any earlier point of time. The Doctor, who has conducted the post-mortem examination, who has been examined as P.W. 36 has stated that in the case of a person suffering from fits from a long time,

death may occur only on account of inter current diseases, and not due to fits. He has also observed peticheal haemorrhages in the brain, lungs and the stomach. He has stated, that on account of lock of oxygen for a person, the circulation of blood in its system is lessened, and there will be stagnation of blood in the vessels and venous return to the heart will be lessened, and there will be increased pressure and permiability of the blood through the vessels, and this is the cause for peticheal haemorrhage. He has stated, that **the death was due to cordio respiratory failure due to Cyanide poison.** Nothing has been suggested to this witness in the course of cross-examination by the learned Advocate appearing for the Police Department, to dispute the opinion tendered by him. Even in the course of the arguments, none of the Counsels, submitted, that the opinion furnished by this Doctor, is not in accordance with the accepted principles of Medical Jurisprudence as propounded by any of the standard authors. That the vicera of this person was sent for chemical examination is also not disputed. The Chemical Examiner's Report which has been marked as Ex. P-26 also shows that Sodium Cyanide was present in the sealed bottle containing the stomach, small intestines and their contents and Cyanide was also detected in the bottle containing liver, and kidney. Nothing has been suggested to the Doctor to show, that this George Kutti, died only a natural death, or, that the examination of the dead body of that person by the Doctor, was either perfunctory, or, that the opinion expressed by him on the data collected by him, was also not in accordance with the settled principles in this regard.

26. The Head of the Department of Chemistry, Central College, Bangalore, was examined as P.W. 41. He has given the composition of Sodium Cyanide, as consisting of the elements Sodium, Carbon and Nitrogen, and when it is put into water, it disassociates into Sodium Ion and Cyanide

Ion, which is expressed as Na plus and Cn minus. He has further stated, that Cyanide occurs in bitter almonds etc., in nature, and if bitter almonds are ground and fermented in water, and if the same is mixed with the Sodium Chloride in water, and if that mixture is examined by a Chemical-Examiner, if may appear to him as containing Sodium Cyanide, because, he will find the Sodium Ion of the Sodium Chloride and Cyanide Ion from the bitter almond.

27. If death had not resulted in the case of the particular person with whom we are concerned, then as a theoritical proposition this statement of the Professor could have been made use of to hold, that there may be no possibility of Sodium Cyanide being consumed by the person, and the Chemical Examiner might have only noticed the Cyanide Ion of some compound and Sodium Ion of some other compound, and mistaken it as presence of Sodium Cyanide.

28. Nobody has placed any material to the effect that bitter almonds or other natural products in which Cyanide occurs in the natural form was consumed by the deceased at any particular point of time. When that is so, there is no possibility of the Chemical Examiner mistaking the two Ions of two different compounds as Sodium Cyanide in the articles examined by him. If it is to be held, that the deceased had not consumed Sodium Cyanide, no other explanation is forthcoming regarding the cordio-respiratory failure of George Kutti, and the consequent peticheal haemorrhages present. Therefore, there is absolutely no doubt, whatsoever to conclude, that George Kutti, died on account of consumption of Sodium Cyanide.

29. Mr. Sastry. appearing for the Police Department, did not urge anything in the course of his arguments to dispute this aspect of the case as revealed by the testimony

of the several witnesses referred to already. Therefore, though just prior to his death, George Kutti had developed certain symptoms which one ordinarily notices in the case of fits, it was not a cause of death on account of fits and hence, I hold, that George Kutti, **did not die a natural death but his death was an unnatural one.**

30. **Point No. 3**:—It has next to be seen, whether the unnatural death of George Kutti, was homicidal, suicidal, or accidental.

31. Some of the witnesses who have been examined before the Commission, have signed Ex. P-11, the petition sent to the Home Department and the Headline of the petition is **LOCK UP MURDER.** There is also suggestion that it may be on account of torture by the Police, as there is reference in it to the effect, that instances are not rare in which many a man had died in the Lock Up owing to the torture by the Police force. None of the witnesses who have been examined in the case, with reference to Ex. P-11, namely P.Ws. 18, 19, 20 to 24, 26, 27, 28, 29, 30, 31, 33, 37 and 38, has stated, that he has any personal knowledge with reference to the contents of Ex. P-11. None of these witnesses has also stated, that he has any personal knowledge with reference to the death of George Kutti. None of them has stated, that he has gathered any knowledge from any particular person regarding any tortue meted out to George Kutti, while in the police Lock Up.

32. Apart from the Police personnel present in the Shoolay Police Station, from the time of admission of George Kutti, into the Lock Up, till his death, the other best persons who could have thrown light on this aspect of the matter, namely, the treatment meted out to George Kutti, when he was in the Lock Up, are the two other persons who had been detained in the Lock Up along with George Kutti. They could not be secured for purposes of

being examined before the Commission. Summonses sent to those persons were returned unserved. A Police Sub-Inspector, had been specially deputed to go to Calcutta, for effecting service of summons upon those persons. He has been examined as P.W. 49, -and he has stated that in the address given in the summons, in Circuit Avenue Road, Calcutta, there was some other lady living and these persons Anil Roy and Sunil Roy, were not residing therein. The Card addressed to him and the telegram Ex. P-34, and the two advance letters Exts. P-36 and P-37, have also been returned unserved. To the addresses mentioned in the police records, the summons had been sent. P.W. 50 has stated, that these two persons were produced before the Metropolitan Magistrate, (VI Court), on 25th July 1977, and Anil Roy was remanded to judicial custody, and Sunil Roy, was enlarged on bail, and later a charge sheet under Section 380, read with Section 511 of the I.P.C. was placed against them, and Anil Roy, was convicted on 16th November 1977, in C.C. 1464/1977, and he was sentenced to undergo imprisonment restricted only to the period of his detention in custody and even now the presence of Sunil Roy, is required for that case, but, he has not been traced, and that the present where abouts of those two persons are not known. This statement of P.W. 50 has not been challenged by any one. When the summonses issued to these persons were returned unserved, none of the Advocates, was in a position to give the present correct address of these persons, or, nobody was also in a position to suggest any means of getting the presence, of these two persons, secured before the Commission. It was also not suggested to the witness who had gone to serve the summons issued by the Commission, that the witnesses were residing in the very address given in the summons, and that he had not made any sincere attempt at securing their presence. It was no doubt suggested to that witness, that he had not taken the photographs of these two persons to enable him

to serve the summons. He has stated, that he had not taken the photographs. When in the address given in the police records, these two persons were not residing, in a large City like Calcutta, it would be humanly impossible for the witness to have traced those two persons with the assistance of even the photographs. So, the fact, that he had not taken the photographs of these persons when he had gone for service of summons, does not in any way matter. It may be even possible that the addresses furnished by those persons to police and mentioned in police records may be false ones given by them. When the testimony of the Police Officer is that the present where abouts of these two persons are not known, and the same has not been challenged by any one, and no body is in a position to furnish the correct addresses of these persons, it cannot be said, that they have been suppressed by the police Department.

33. Though the presence of these two persons Anil Roy and Sunil Roy, could not be secured before the Commission, they had been examined by the Additional District Magistrate, during inquest and they have not stated anything about any torture having been meted out to George Kutti, when he was in custody. Therefore, the fact, that the presence of those two persons could not be secured before the Commission, does not assist any one to canvass the proposition, that because, George Kutti, had been tortured to death, and because, they would have exposed the same, their present whereabouts, are suppressed by the Police Department. During the course of Inquest Proceedings, they have categorically stated, that George Kutti, was not beaten by any Police Officer, or, official, and he did not also complain to them, at any time about the beating. It was not suggested to the Additional District Magistrate, by any one, that as a matter of fact, they did disclose some other facts, and that he had purposely not recorded the same with

a view to shield the police. Therefore, it is, I have stated, that the fact, that the presence of Anil Roy and Sunil Roy, could not be secured for being examined by the Commission, does not seriously matter in any way.

34. The Additional District Magistrate, and also the Inquest witnesses who have been examined as P.Ws. 4. 14, 15, 16, 17, 31 have stated, that they examined the body of George Kutti, and **there was no injury,** whatsoever, on his person. The statements of these persons have not again been challenged by any one. It was suggested on behalf of P.W. 44, and also the Advocate for the Commission, that the Additional District Magistrate, could have got the photographs of George Kutti taken by removing all his clothes, and that would have afforded the best material to show, whether any injuries had been inflicted on the body of that person, or not. It is nodoubt true, that the photographs of the bare body of George Kutti. have not been taken. But it may be remembered, the photographs were not taken not because the Additional District Magistrate felt, that his version may be suspected by any one. Probably to facilitate the identification of the person who died in the Lock Up the photographs were taken. No provision of Law or Rule requiring the Additional District Magistrate, who conducted the inquest, under such circumstances to take the photographs of the nude body, was brought to the notice of the Commission.

35. On the top of all these, we have got the sworn statement of the Doctor, who conducted the post-mortem examination to the effect, that there were no external injuries on the person of George Kutti. It was not suggested to him by any one, that even he was trying to shield the police by not disclosing the correct state of affairs noticed by him during the post-mortem examination. Though, of course, this Doctor, was examined before P.W. 44 entered the appearance through his advocate, if the learned Advocate

for P.W. 44, wanted to challenge the testimony of the Doctor, who has been examined as P.W. 36, he could have made a prayer for re-calling the witness, and for being tendered for purpose of cross-examination. No such prayer was made. No other material has also been placed by any one before the Commission, to district or disbelieve the testimony of P.W. 36, and also the certificate issued by him. It is not possible for all these persons to have of thought of suppressing the material which would disclose something, against the Police Department.

36. It may be noticed, that amongst the Inquest witnesses P.Ws. 17, 31 are persons coming from Nagayyanapalya, wherein the deceased was stated to be living earlier and it must be stated, that the Additional District Magistrate, has thought it fit to take the assistance of some of the local inhabitants of the place where the deceased was living. There is no reason as to why even those persons should have joined hands with the police to suppress some material in order to shield the police.

37. At this stage, I may refer to the testimony of one Viswanath, who has been examined as P.W. 54. An affidavit stated to have been sworn to by this witness has been filed before the Commission by the Advocate, for P.W. 44, to the effect, that on 23rd July 1977, at about 10-00 p.m., he and another friend of his, had been taken by a policeman to Shoolay Police Station, when they were riding the cycle without light, and at 11-15 p.m., they were allowed to go, leaving the bicycle in the Station, as the Sub-Inspector, was not available, and when they were waiting in the verandah of the Police Station, they heard the cry of a man intermittently, as if he was being beaten by some one and when they asked the police constable who was standing on the verandah as to, what the matter was, he told them, that a thief was being beaten, and as to why they should worry. He has stated that on the next morning,

when he went to the Police Station, to take back the cycle, he saw, several policemen rushing inside and outside the Police Station, and when enquired, as to what happened, no one replied, and at about 7-15 a.m., one Bhoopalam came and stated, that the police had assaulted a person in the Lock Up, and that he had died during the night. He has further stated, that he was allowed to go away and no action was taken against him on account of the death having taken place in the Lock Up. In the course of his examination, before the Commission, P.W. 54 has stated, that he had not gone to Shoolay Police Station at any time, during July 1977, and P.W. 44 met him near the Bowring Hospital, and he took him to the Office of his Advocate, and from there, to the office of a lady in Malleshwaram, and his signature was taken to Ex. P-45, and also to a Register. He has stated, that he signed Ex. P-45, because, P.W. 44 promised him, that he would get food and appointment to him. He has further stated, that he was not knowing one Bhoopalam, mentioned in the affidavit.

38. In the first instance, it may be pointed out, that P.W. 54 having resiled from the version given in the affidavit, and the statement made in the affidavit, having not been verified by the cross-examination, no credence, whatsoever, could be given to the Statement made by him. Even according to the learned Advocate, for P.W. 44, P.W. 54 is a witness who is prepared to deny his own sworn statement, and he is not a man who is dependable. Ofcourse, according to him, he has been manoeuvred by the police. Even according to the witness, he is prepared to sign a document which purports to be an affidavit, though he was not personally aware of the same, only because food and appointment had been promised to him. Either-way, it is clear, that P.W. 54 is a condemned witness by all the concerned. Apart from that, when even according to him, he is prepared to sign the document purporting to be an

affidavit, without having any personal knowledge of the contents of the same, it is clear, that he is a selfcondemned witness. Therefore, it is clear, that no credence, whatsoever, could be given to the alleged former statement of this witness made before the Notary Public. Even otherwise, it may be noticed, that he has not stated, that he heard the cries of George Kutti, or he saw George Kutti, being beaten by the police, and accepting his version, the possibility of the police having beaten some other person, and not necessarily George Kutti, cannot altogether be ruled out.

39. It was stated by P.W. 44, that he presumed, that after the death of his brother on account of beating, the police must have injected Cyanide poison into his body. There is absolutely no material to support this presumption drawn by P.W. 44. The Doctor, has not been cross-examined to the effect, that the death was no account of beating. He has also not been cross-examined by any one to dispute his testimony, that the death was on account of Cyanide poisoning. There is absolutely no material placed on behalf of P.W. 44 to hold, that the death was on account of the beating only, and that after the death, Cyanide poison had been administered to the dead body by injection, and that therefore, Cyanide was noticed in the several parts of the body of George Kutti. No such suggestion has been made to any of the Police Officers. P.W. 44 has stated, that he came to know from Yousuff, that there was swelling on the portion of the head of his brother, and that he came to know about certain other things from other persons. When none of those persons has stated before the Commission, about having observed any of the things attributed to them by P.W. 44, it is clear, that no value could be given to the statement of P.W. 44, that he came to know from Yousuff, or, some other person about certain matters. When that is so, it is clear, that no value, whatsoever, could

be given to the testimony of P.W. 44 regarding his presumption, that his brother had been beaten to death, and that Cyanide poison had been administered after death.

40. Under the circumstances, it is clear, that George Kutti, did not die on account of any external violence, and therefore, the theory of torture to death by use of external whether somebody administered Cyanide poison to George methods, is completely ruled out.

41. Now we can take up consideration of the aspect, whether somebody administered cyanide poison to George Kutti, or, whether he himself consumed it, with a view to end his life, or, whether he had consumed the same accidentally.

42. I shall in the first instance deal with the case of accidental consumption of Sodium Cyanide by George Kutti.

43. This aspect could again be considered in two phases, namely, whether Sodium Cyanide had entered into the system of George Kutti, accidentally bit-by-bit during different points of time, even much prior to his apprehension by the Police, and whether ultimately it caused the death of the person, that is to say, whether it was a case of Chronic poisoning, and secondly, whether this poison had entered into the system of George Kutti by accident after he was arrested by the police.

44. It was tried to be made out on behalf of the Police Department, that George Kutti, was an Artist, and also a person engaged in the work of developing photographs, and in that field certain material containing Potassium Cyanide is used, and there may be the possibility of Potassium Cyanide contained in that material accidentally entering into the system of George Kutti, and ultimately it culminating in his death. P.W. 36 has stated, that about 200 to 300

miligrams of potassium or sodium cyanide is a fatal does for a human being. He has also stated, that if cyanide enters the system of a person gradually by inhalation in very minute quantities it will be a case of chronic poisoning, and the same will be spread over a period of number of years. He is also positive, that in the present case, the poison has entered the body of that person only through the mouth, and not by inhalation and he was fortified for this opinion by the fact, that the poison was present in the stomach and its contents. If it is a case of inhalation of cyanide in minute quantities spread over a number of years, there would have been absolutely no possibility of the same being found in the stomach and its contents. No other material has been elicited from him or placed through any other witness by any of the Advocates, that even in the case of chronic poisoning by inhalation of cyanide poison during a period spread over a number of years, the same may be found in the stomach, and its contents. Therefore, the possibility of the cyanide having entered the system of George Kutti by inhalation spread over a number of years, and he having died on account of such chronic poisoning, is ruled out.

45. P.W. 36 has stated, that if lesser quantity of potassium or sodium cyanide than the fatal dose of 200 to 300 miligrams say for example a lower 50 miligrams enters into the digestive system of human being, it will not result in the death of the person, but, he will suffer from mild symptoms of poisoning. He also has ruled out a case of chronic poisoning by this process in smaller quantities entering into the system of the human being spread over a number of days, or months. The reason for this opinion is also obvious. P.W. 36 has stated, that in photographic material, the cyanides will be present in very dilute part, and as such, the same is not poisonous, or fatal. He has further stated, that if a person handles photographic

material containing cyanides, and his hands get contaminated by the said material, and then enters the system of human being through his food, it will not cause the death of a person either instantaneously or at a later stage. He has further clarified, that instantaneously, it will not cause the death of a person, because, it is not a fatal dose, and there is no scope for the smaller quantities entering to the human system to accumulate to form the fatal dose, because, as and when it enters the system, it also will be excreted via kidney. Therefore, sodium cyanide having entered into the digestive system of George Kutti, over a long period, and he having died as a result of the same after his arrest, and during his detention in the Lock Up, is ruled out.

45. Then we have to see, whether this poison has entered the system of George Kutti, after his arrest in an accidental way, as to cause his death.

46. The passage in the Text Book of Medical Jurisprudence and Toxicology by Modi, 14th Edition, at page 766, which is as hereunder :—

" Hydrocyanic acid is widely distributed in nature. It occurs in combination in the leaves of the cherry—laurel, in bitter almonds, in the kernels of the common cherry, plum, peach and other stone fruits, in ordinary bamboo shoots, and in certain oilseeds and beans. These plants contain a crystalline glysoside, known as amygdalin, which in the presence of water and a natural enzyme, called emulsion, is readily hydrolysed into hydrocyanic acid, glucose and benzaldehyde ".

was put to P.W. 36 in the course of his cross-examination. The witness has admitted the correctness of this statement. No material, whatsoever, has been placed by police, or any other person to the effect, that the hydrocyanic acid occurring in nature as mentioned in the abovementioned passage is to such an extent as to form the fatal dose for a

human being. It is also not suggested, or, elicited from any of the Police Officers, who were in-charge of the Lock Up in which this George Kutti, had been detained, that he was allowed to consume any of these things which occur in nature which contain Hydro-cyanic acid. Therefore, there is no question of trying to find out, whether George Kutti, was allowed to consume such things occurring in nature in very large quantity as to make the same a fatal dose for him. Therefore, the passage referred to already, is of no consequence to the Police Department.

47. It has next to be seen, whether Sodium Cyanide has entered the digestive system of George Kutti, in its form as Sodium Cyanide, accidentally. Right from the time of the arrest of this George Kutti upto his death, the material that is available regarding the food taken by George Kutti, is that at 8-30 p.m., on 23rd, he ate some baked rice and 'sambar' brought from Janatha Hotel and then he was put in the Lock Up and he consumed a cup of tea when he was being questioned by P.W. 50 a little time prior to his death. None of the witnesses who were in-charge of George Kutti, at the earlier point of time, has stated, that prior to the time when he was being questioned by P.W. 50, he developed any signs of poisoning. Therefore, he having consumed the poison on the 23rd of July 1977, at the time of taking food etc., is ruled out. Further, P.W. 36 has stated, that the maximum time for death to occur after consumption of potassium cyanide or sodium cyanide is thirty minutes in an ordinary person, and if the person is suffering from Achlorohydria, the absorption of the poisoning is delayed, and the appearance of symptoms is also delayed, and the death may occur several hours after consumption. Further he has also stated that in the case of Achlorohydria, mucus membrane will be thickened, and in the present case, it was not present. Therefore, it was not a case of Achlorohydria. There is absolutely nothing to disbelieve the statement of

P.W. 36 regarding the non-existence of the thickened mucus membrane in the case of George Kutti, and further also to disbelieve his statement, that the maximum time for death to occur after consumption of potassium cyanide or sodium cyanide, is thirty minutes in the case of an ordinary person. Therefore, in this case, George Kutti, must have consumed Sodium Cyanide within about thirty minutes before his death.

48. By a reference to the testimony of the witnesses mentioned already namely P.Ws. 4, 6, 7 and 8 it is clear that George Kutti, consumed tea, when he was being questioned by P.W. 50. Therefore, it has to be seen, whether Sodium Cyanide had been accidentally mixed up with this tea before it was supplied to the deceased. The boy who actually supplied the same could not be examined before the Commission as it was stated, that his present whereabouts are not known. But, the Manager of Janatha Hotel from which the tea is stated to have been secured for supply to the deceased has been examined as P.W. 15. He has stated, that tea in his hotel is prepared in bulk quantity of about four hundred cups, at a time, and after that is exhausted, they again prepare. He has also stated, that there was no complaint on that day, or subsequently by any person who had taken tea in his hotel, that the same had any bad effect on him. This statement of P.W. 15 goes completely unchallenged. If to the bulk quantity of tea from which tea was taken to the police station for supply to the deceased, any quantity of Sodium Cyanide, had been mixed up accidentally, the effects of that poison should have occurred in atleast some other persons who took tea in that hotel on that day., and if that had occurred, some of them would have necessarily complained in that regard, and the Manager, would have definitely come to know about the same. If not a police complaint, they would have atleast complained to P.W. 15 in the minimum. The fact, that

there were no complaints by any of the persons in this regard as spoken to by P.W. 15 shows, that no other person who took tea on that day in that hotel had any effect of Sodium Cyanide poisoning. When that is so, the bulk quantity from which tea was taken to the Police Station, for supply to the deceased having been mixed up with Sodium Cyanide, accidentally, is completely ruled out. Then, in the process of the tea being supplied from the hotel to the deceased in the police station Sodium Cyanide getting mixed up in an accidental fashion is also ruled out. No material has been elicited by any of the Advocates, to the effect, that even in that inacuous act of the server of the hotel bringing tea from the hotel to the police station, there was some scope for Sodium Cyanide, getting mixed up with that tea accidentally.

49. It was urged on behalf of the Police Department, by Mr. Sastry, that if small quantity of Sodium Cyanide which would be a fatal dose for a human being had been deposited on the clothes of the deceased in his work relating to development of the photographs, it could not have been perceived by an on looker, because the quantity is such a small one as demonstrated by M.O. 1 spoken to by P.W. 41 as it could not have been noticed by the Police Officers, and accidentally the same falling into the tea, cannot be ruled out. In the first instance, it may be pointed out that no material has been placed on behalf of the Police Department, to show what quantity of Sodium Cyanide will be there in the material for development of photographs. Therefore, the possibility of a fatal dose of Sodium Cyanide, getting deposited on the clothes of the deceased, and the same being not perceptible by the Police Officers, who checked the same, cannot even be conceived of. If that is so, there is no possibility of such a fatal dose of Sodium Cyanide falling accidentally into the cup of tea which was given to the deceased George Kutti, before he drank the

same. Therefore, the possibility of the Sodium Cyanide deposited on the clothes of the deceased falling into the tea cup accidentally is only a hypothetical one, and hence, Sodium Cyanide having got mixed up with the tea accidentally after it was brought by the Server of the hotel, and before it was consumed by George Kutti, is also ruled out. Therefore, the possibility of Sodium Cyanide having entered the digestive system of the deased accidentally is completely ruled out. Hence, it has to be concluded, **that the death of George Kutti** in the Shoolay Police Station, **was not at all** accidental.

50. It has next to be seen, whether the death was homicidal or suicidal.

51. So-far-as, the aspect, whether it was homicidal, it is nobody's case or even the case of the signatories to Ex. P-11, that apart from the police officials some other persons were inimically disposed towards the deceased, and they had any opportunity of administering Sodium Cyanide to the deceased after his arrest, and before his death. No such suggestion has been made to any of the witnesses by the learned Advocate for P.W. 44, or, any other person. Again, nothing was also urged by the learned Advocate for P.W. 44 to that effect in the course of his arguments.

52. There was no possibility for the supplier from Janatha Hotel who brought the cup of tea which was consumed by George Kutti, to put Sodium Cyanide into the said cup, with a view to put an end to the life of the deceased. That boy would be least interested in doing such an act, and none has suggested, that—that boy had any animpus against the deceased, and therefore, he thought of putting an end of life of George Kutti, and therefore, he snatched that particular opportunity and put the poison into the tea, which was going to be consumed by him.

53. Therefore, if it was a homicidal death, some of the Police Officers, themselves, should have purposely supplied Sodium Cyanide either in its prestine form or mixed up with some other food article. In either-way, the police must have had the intention of taking away the life of the deceased.

54. It has to be seen, whether any Police Officers including P.W. 50 had any such intention to take away the life of the deceased. In such a contingency, the police must have had a strong motive to take away the life of George Kutti. It is in this connection, that the aspect, as to in what connection, George Kutti, was arrested by the police and detained in the Police Station has to be examined. According to P.W. 50, he was required in a case of theft registered in the police Station. P.Ws. 1 and 2 have also stated, that he was taken by them in respect of the theft case. Though the statements of the several witnesses, that the deceased was taken from Nagayyanapalya on 23rd July, 1970 has been disputed, and it is sought to be made out by some witnesses, that he was actually taken by the police on 21st night itself, the fact, that he was taken in connection with the cycle theft case, suspecting, that he must be the person involved in the said case, has not been disputed by any one. According to P.Ws. 1 and 2, he was taken by them when he came with a cycle, and that cycle was seized by the Sub-Inspector of Police, after he was produced with the same. According to P.Ws. 50, the deceased had given information as per Ex. P-38, that he had committed theft of cycles in Majestic, Gandhinagar, Town Hall, Vidhana Soudha, City Market, and other places, and had sold the same to various persons in Kadugondanahalli, Sevanagar, Nagayyanapalya, and Banaswadi, and that he would point out the same. It is also the case of P.W. 50, that the deceased produced a token issued by a stand keeper and that later on, he led him and the police, to the cycle stand

in Russel Market, and after production of the token, the stand keeper, produced a cycle, and the same was seized under Ex. P-44. It is also his case, that the deceased led him to one George, who has been examined as P.W. 11, and he produced one cycle, and the same was seized under Ex. P-8. It is also his case, that the deceased led him to the shop of one Jain, who has been examined as P.W. 12 in this case, and he was not present, and later, that gentleman, produced in the Police Station, was not another cycle, and the same was seized under Ex. P-39. P.Ws. 1 and 2 have also stated about the seizure of the cycle from the cycle stand near Russel Market. P.W. 53 has stated, that he was Contractor, in respect of the Cycle Stand near Russel Market during 1977-78, and during July 1977, the Shoolay Police Sub-Inspector, and two constables, and another person had come to his cycle stand at about 7-00 p.m., and a token was given to him and the cycle in respect of that token was taken away by them. He has stated, that mahazar Ex. P-44, was drawn, and he attested it, and that the person who had come with the police at that time, could be seen in the photograph Ex. P-7. That a cycle was seized by the Shoolay Police under Ex. P-44 as spoken to by him, has not at all been challenged. It is no doubt true, that it has not been established, as to who exactly had kept that particular cycle in the Cycle Stand. But, any way, George Kutti, after his arrest, produced the token of the Cycle Stand, and that he also led the police party to the Cycle Stand of Russel Market, as spoken to by P.W. 50, and the other police witnesses, has not been challenged. If that is so, it must necessarily be held that George Kutti, was aware, that the cycle which was seized under Ex. P-44 had been kept in the Cycle Stand near the Russel Market, and further, he also produced the token in respect of the same. Unfortunately, as he is no more, we are not able to have his explanation as to, how came into possession of the token in respect of the cycle, and also become aware of the fact,

that that particular cycle, had been kept in the Cycle Stand, near Russel Market. No other person has filed any statement, or affidavit, to the effect, that he had kept that cycle in the Cycle Stand, and for any particular purpose, he had given the token in respect of the same to the deceased. If these circumstances are to be scrutinised, in the light of the information given by deceased George Kutti to P.W. 50 as per Ex. P-38, the only inference, that we could draw is, that the deceased himself had kept that particular cycle in the stand near Russel Market, and that the information given by him, it was recovered therefrom by P.W. 50.

55. According to P.W. 50, the deceased led him to Baglur Lay Out, and pointed out, one George, who has been examined as P.W. 11, and that George, identified George Kutti, and produced a cycle, and the same was seized under mahazar Ex. P-8. P.W. 2 has also stated about the seizure of the cycle from George. P.W. 11 George has also stated, that he had seen the person whose body is photographed, as per Ex. P-7. He has further stated, that about eight to nine months prior to his examination, that George, seen in the photograph Ex. P-7 had come to him, at 10-00 or 11-00 a.m., and stated, that he was in great difficulties and he sold one cycle for a sum of Rs. 90, and ten days later, that George, came along with the police, and he produced the cycle purchased by him from George, and the same was seized by the Sub-Inspector, under Ex. P-8, and he had attested it. The testimony of these witnesses regarding George Kutti, having led the police party to P.W. 11, and that the Cycle was recovered from P.W. 11, and seized under Ex. P-8, has not at all been challenged. There is also nothing inherently improbable in their version. Nothing was also urged by any of the Advocates, in the course of their arguments, to dispute the case put forward regarding the seizure of the cycle under Ex. P-8 on the information furnished by the deceased and further about

the disposal of the same by the deceased to P.W. 11 as spoken to by him.

56. P.W. 50 has stated, that the deceased then led him to Venkateshwarapur, and pointed out a shop of one K.P. Jain, and since, he was not present, he left information with his daughter to bring the cycle along with the pawn chit to the Police Station, and at about 9-15 or 9-30 p.m., that K.P. Jain, came with a cycle, and pawn receipt book Ex. P-9, and then, he seized that cycle under Ex. P-39, and he also perused the pawn ticket Ex. P-9(a), and initialled the same. P.W. 2 has also stated about having gone along with the deceased, and the Sub-Inspector to a Marwadi shop, and he being not present, P.W. 12 has stated, that he had seen the person who could be noticed in the photograph Ex. P-7, and on 6th July 1977 at 3-00 p.m., he had come to this shop with a Raleigh Cycle, and pledged it with him, for a sum of Rs. 110, and then he wrote the pawn ticket Ex. P-9(a), and that George signed it as per Ex. P-9(b). He has further stated, that on 23rd July 1977, he had come to the City, and returned to the shop by about 8-00 or 8-15 P.m. and then his wife told him about the police having come to his shop and having stated about the stolen cycle beingwith him, and that thereafter, he took the only cycle which he was having and had taken on pledge to Shoolay Police Station, along with the pawn ticket book. He has stated, that George who had pledged the cycle with him was inside the Lock Up, and then he produced the cycle taken from that George , and the Sub-Inspector, seized it under mahazar, and the Sub-Inspector also initialled the pawn ticket Ex. P-9(a). The testimony of all these witnesses in respect of the cycle in question has not at all been challenged by any one. There is again nothing inherently improbable in their version. Nothing was also stated by any of the advocates in the course of their arguments to dispute the aspects spoken to by these witnesses regarding the pledge

of the cycle by George Kutti with P.W. 12, and the deceased having led the police party to the shop of P.W. 12, and the later seized of the same under Ex. P-39.

57. Therefore, four cycles were seized by the police, and the earlier possession of them has been traced to the deceased is established beyond all reasonable doubt.

58. Apart from the recovery of these four cycles, P.W. 17 also a person who was running hotel in Nagayyanapalya, and to which hotel, the deceased used to visit for taking tea etc., has also stated, that George used to sell cycles to different persons in his locality, and he had seen the sale of three-to-four cycles. This aspect of his statement again goes completely unchallenged, and this witness had no axe to grind against the deceased. He has also no connection with the police to falsely state against the deceased. Therefore, that the deceased used to dispose of cycles to differen persons including the disposal to P.Ws. 11 and 12 is an established fact. In fact, during the course of arguments, the learned advocate for P.W. 44 has stated, that it may be that George Kutti, was disposing of the cycles, and he was admittedly an Ex-Service Man, and it was quite possible, that he was having a Raleigh Cycle, with him, and he had cycles of the Army Personnel at cheaper rates from them when they are transferred to forward areas, and might have been disposing of those cycles, at a little profit. Not a single witness has stated about purchase of any cycle by George Kutti, and consequent disposal of that very cycle to any other person, having only a small margin of profit.

59. According to the police, two of the cycles traced to the possession of the deceased George Kutti, were found to have been stolen from the possession of some other persons at an earlier point of time. P.W. 52 has stated, that he have been dealing in that business by taking the purchased it in February-1977, and on 14th July 1977, he

had left that cycle infront of his office at 4-00 p.m., and by 5-30 p.m., he found that his cycle was missing, and on the 15th he lodged a complaint in Kalasipalyam Police Station, as per Ex. P-43. Ex. P-43 shows, that the cycle belonging to him, and stolen from his possession on 14th July 1977, was the one bearing No. 11J-3616. There is nothing to disbelieve the testimony of this witness in this regard. In fact, this first-information has reached the Court of the Chief Metropolitan Magistrate, on 15th July itself. Nothing was urged by any one in the course of the arguments to dispute that P.W. 52 was the owner of this particular cycle, and that it was stolen from his possession. Ex. P-44 shows, that this was the very cycle which was recovered by P.W. 50 from the cycle stand near Russel Market, on the information furnished by the deceased. Nothing was stated by any one to explain, as to, how the deceased had come into possession of this cycle stolen from the possession of P.W. 52.

60. P.W. 56 has stated, that on 6th July 1977, at 6-30p.m. he had gone to see a drama in Ravindra Kalakshetra, and he left his cycle in the Cycle stand, and at 9-30 p.m., when he came out during the interval, his cycle was in the stand and after the drama was over at 10-30 p.m., he found his cycle was missing. He stated, that he lodged a complaint with Silver Jubilee Park Police, and his cycle number was 2A-7777. The testimony of this witness regarding his ownership of the cycle, and the theft of the same, has not been disputed by any one. It was urged on behalf of the Police Department, that the date given by the witness is not correct, because, even earlier to that date itself, the theft of the same had been reported by this witness. The complaint stated to have been given by this witness was tried to be secured from the concerned Magistrate's Court., but the same could not be got, as it was stated, that it had not been traced. The Daily Crime occurrence sheet issued by the

Office of the Commissioner of Police for the date 4th July 1977, has been marked as Ex. P-40, and the entry relating to the theft of cycle reported by P.W. 56 has been marked as Ex. P-40(a). That shows, that the theft was on 3rd July 1977, and not on 6th July 1977, as spoken to by P.W. 56. It may be quite possible, that this witness has given the date, as 6th July 1977 by forget-fulness. There is nothing to disbelieve the note in Ex. P-40(a) about the theft of the cycle in question by some unknown from the possession of P.W. 56 as mentioned therein. I am satisfied, that the theft of his cycle was on 3rd July 1977, and not on 6th July 1977, as spoken to by him. When that is so, only by virtue of his statement, that he lost the cycle on 6th July 1977, in the night and P.W. 12 has stated, that on 6th July 1977, at 3-00 p.m., it was George Kutti, pledged that cycle with him as per Ex. P-9(a), does not matter in any way. Therefore, it is clear, that the cycle traced to the possession of George Kutti, seized from the possession of P.W. 12 on the information given by the deceased is the one which had been stolen from the possession from P.W. 56 from near Ravindra Kalakshetra on 3rd July 1977.

61. Therefore, it is clear, that it has been established, that out of the four cycles traced to the possession of George Kutti, two are established to have been stolen a little time prior to their recovery, and in the case of the cycles seized from the possession of P.W. 12, it had been pledged by George Kutti, three days after the theft of the same from the possession of P.W. 56. So-far-as, the cycle of P.W. 52 is concerned it was found in the possession of George Kutti, a few-days after theft of the same from the possession of P.W. 52.

62. In this back ground, we must find out, whether the police could have had any motive to take away the life of George Kutti, by administering poison to him. It was contended on behalf of P.W. 44, that after the police had

wrongfully detained George Kutti, from the night of 21st July 1977 without showing anything about his arrest, and he had been ill-treated in the Police Station, and he must have told the police, that he was an Ex-Service Man, and that after going out of the Police Station, he would take appropriate action against the police, and at that, the police must have got, un-nerved, and must have thought of putting an end to his life. I have already held, that there is no sufficient material to accept the case putforward by the several witnesses, that George Kutti, was actually arrested on 21st July 1977 itself. Even assuming for a moment, that he had been brought to the Police Station, on 21st July 1977, itself, and in the records, the police had chosen to show his arrest on 23rd July 1977, when I have held, the some four cycles were traced to his possession and out of them, two cycles were found to have been stolen a little time earlier, and when there is not even a scratch mark on the person of George Kutti, which indicates, that no kind of violence was used against that person, it has to be seen, whether any Police Officer placed under those circumstances would think of putting an end to the life of that such a person only because, he had been wrongfully detained in the Police Station, for two days. It appears to me, that in the ordinary course of human conduct, it is impossible for any one to conceive of such a course. Infact, under such circumstances, the police would rather try to keep such a person in good-spirits and try to extract more information for recovery of more stolen properties, and the police would not gain anything by putting an end to the life of such a person. An Ex. Service Man, to whose possession stolen cycles were traced even though he holds any kind of threat, that he would lodge complaint with the appropriate authorities may not induce any Police Officer to think of the extreme step of putting an end to that person's life altogether. By putting an end to the life of such a person it is clear that the police would necessarily step into great difficulties than

the difficulty, in which they may possibly land on any complaint being lodged by the deceased after his release about the wrongful confinement.

63. The conduct of the police subsequent to the death of George Kutti, does not support the theory of homicidal death. Immediately after he developed certain symptoms of fits, the nearest doctor has been secured to give treatment to him and unfortunately, by the time he came, the person was dead.

64. In this connection, I may refer to one other contention of the learned Advocate for P.W. 44 regarding the discrepancy in respect of the position in which deceased George Kutti, was found, at the time of his examination by the Doctor. P.W. 45 is Dr. Mascarenhas (in the course of deposition sheet the name of this witness has been typed by mistake as Dr. G. J. Masjarelhas). He has stated, that that on 24th July, 1977 some time after 10-00 a.m., Sub-Inspector Govindaraj, of Police Station, came to his Dispensary, and told him, that a prisoner in the Police Station, was not well, and asked him to go with him to attend to the said prisoner, and he went along with him, and found, that George Kutti was sitting in the chair inside the Police Station, and he appeared to be life-less, and had been supported by two persons and he asked them to put him on a flat-surface to enable him to examine him, and accordingly he was put on a table, and he examined and found, that he was dead. The learned advocate for P.W. 44, has not cross-examined this witness at all. It was urged by the learned advocate for P.W. 44, that the other police witnesses have not stated about the deceased in the sitting posture on the chair, and the two persons holding him, and on the other hand, they have stated, that he was lying on the ground, and that falsifies the version of P.W. 45, that he visited the Police Station, and examined the deceased. It is no doubt true, that there is this discrepancy

regarding the posture in which the deceased was found when P.W. 45 visited the hospital. After all, when the witnesses are examined about a year after the occurrence, it cannot be said, that this such a material discrepancy as to warrant the rejection of the testimony of P.W. 45 altogether and that too, when his statement has not been challenged by the cross-examination. Therefore, only an account of this discrepancy, I am not prepared to hold, that P.W. 45 did not visit the Police Station, at all, or, that he did not examine the deceased George Kutti.

65. Without any loss of time, the matter has been reported to the District Magistrate, and immediately thereafter, the Additional District Magistrate, has visited the Police Station, and held the inquest, and he has also summoned P.Ws. 17 and 31 the residents of Nagayyanapalya, wherein, the deceased was living at the relevant time. If the several Police Officers, had not made record of the arrest of the accused, and the consequent recovery etc., before the death of George Kutti, and if they had put an end to his life by giving Sodium Cyanide, they would have also thought of disposing the body in a secret manner without showing the arrest, detention, and the subsequent death in the Police Station, and also getting the post-mortem conducted. Any Police Officer, with a little experience ought to know, that if a poison is administered to a person, and if the post-mortem is conducted on the dead body of such a person, the Doctor conducting the post-mortem examination or the Chemical Examiner would detect that poison inside the body of the deceased. So, it is, I say, that if no record had been prepared by the Police Officers, regarding the arrest of George Kutti, and if he had died in custody, on account of the poison administered intentionally by the Police, the conduct on their part would have been entirely different, and they would not have subsequently shown his arrest, and death in the Police Station, and invited all

trouble. Having regard to all these aspects, it is impossible for any-one to hold, that the Police Officials of 'Shoolay Police Station, had any intention of putting an end to the life of this George Kutti, and pursuant to the same, they administered, Sodium Cyanide, to him. Therefore, that George Kutti, died a homicidal death is also ruled out.

66. When my finding on the several aspects is, that the death of George Kutti, was not a natural one, and that it was not also an accidental or homicidal death, the only other possibility is, that it must have been a suicidal death.

67. It may be quite possible, that George Kutti, might have put an end to his life by consuming Sodium Cyanide, out of dejection or disgust in life. After coming to Bangalore, he must have led a life appearing practically for all purposes as of a respectable person, but, adopting the method of stealing cycles, for his livelihood, and when he was caught, and he had also to give information regarding the theft of cycles by him, and disposal of the same, he might have been very much dejected, that there was no further salvation for him and must have put an end to life by consuming Sodium Cyanide. It may be quite possible, that he might have carried such a poison with him, when he was taken to the Police Station, and the same was not discovered by the police, or, it may be that he might have secured the same, through the assistance of any other person, or, it may be, that he got the same through the other prisoners Anil Roy and Sunil Roy, who were co-prisoners in the Lock Up. As to how a prisoner in the Lock Up, could get custody of a deadly poison, and who is responsible for the same shall be discussed by me, when I take up point (iv) for consideration. Therefore, my finding on point (iii) is, that the death of George Kutti, was neither a homicidal one nor an accidental one, but, it was a suicidal death.

67. **(a) Point iv.**—When I have ruled out, the homicidal or accidental death of George Kutti, and held, that it was a

suicidal death, there is no question of any other person being responsible for that death, because, it is only the deceased George Kutti, himself who was responsible for the same. Ofcourse, the other point namely, as to, how he got custody of the deadly poison, still remains to be considered. As already pointed out, it has no doubt come in the evidence of P.W. 50, that he did conduct the search of the person of George Kutti, and did not find any article with him except his wearing apparel. If his statement is to be accepted, then the other persons who were incharge of the Lock Up, subsequently uptill the time of his death may have to answer for the deceased Prisoner getting the custody of the poison. The possibilities are, that any one or more of the persons who had custody of George Kutti, right from the time of his arrest uptill his death, might have been responsible either in getting him that poison, or, on account of their negligence in either not conducting the search properly or allowing some other person to come into contact with George Kutti, without leaving anything on record regarding such an interview might have been responsible for the deceased coming into possession of this poison. Therefore, in such a case, the interest of these different persons who had custody of George Kutti, would be necessarily conflicting to one another. The same advocate appearing for the entire Police Department, could not naturally try to put blame upon one person or the other who had custody of the deceased. As to who exactly amongst these Police Officers, is responsible for the same is a matter which has to be thrashed out in a Departmental Enquiry against all these officers giving an opportunity to all of them to cross-examine the other Police Officers. It suffices for our purpose for this Enquiry to hold, that some one or more of the persons who had the custody of George Kutti, right from the time of his arrest uptil his death was responsible for allowing George Kutti to have in his possession Sodium Cyanide, and that must have been occasioned on account

of will ful connivance of the particular person or persons in getting the same to the deceased, or, it might have been occasioned on account of their negligence. This is my finding on point (iv).

68. Having recorded my findings on the several points that arise for consideration in this Enquiry, I shall proceed to record my findings in respect of the Points, referred to this Commission in the same order, in which they have been mentioned in the Notification.

Point (i) : The circumstances leading to the cause of the death of Sri George Kutti, in Shoolay Police Station on 24th July 1977.	George Kutti died in Shooley Police Station, having consumed Sodium Cyanide Poison, and that was a clear case of Suicide.
Point (ii) : The persons responsible therefor.	(As my finding on point (i) is, that it is a case of Suicide, apart from George Kutti, none-else is responsible for his death. Someone, or more of the Police Officers, who were in-charge of George Kutti, and the Lock Up, from the time of his arrest uptill his death, are responsible for either getting the particular poison to him, or on account of the negligence in their duty in seeing, that the Prisoner, did not have any such article, the deceased was enabled to have in his possession, Sodium Cyanide, and consumed the same.
Point (iii) : The persons responsible therefor.	The persons who were in-charge of George Kutti, right from the time, he was taken to the Police Station, uptill his death are (1) PW. 1—Puttaswamy PC. 3681 (2) PW. 2—B. Rudraiah, PC. 4095

(3) PW. 50—Srinivasa, SI. of Police

(4) PW. 3—Gangaiah PC. 3336, who was formerly HC. 561.

(5) PW. 4—Dodda Hanumayya HC. 706

(6) Prabhu Aradhya PC. 2407

(7) PW. 35—HC. Shivanna, PC. 2331

(8) PW. 43—H. S. Ranga Dore, Circle Inspector of Police.

The deceased was able to have in his custody Sodium Cyanide by which he committed Suicide on account of the active connivance, or negligence of one or more of Officers mentioned above, and a suitable Departmental Proceeding may be held, after framing appropriate charges against these Officers to find out, as to who is liable to be punished.

The Enquiry has revealed that the Note Books, as expected to be maintained by Constables and the Head Constables under Rule-1001 of the Karnataka Police Manual, are not being maintained, and checked by the Superior Officer. The mandate contained in this Rule, may be, scrupulously followed, and if any particular Constable or Head Constable, is illiterate to that extent of not being in a position to write the Note Book, he may get it written by some other brother-officer.

Point (iv) :
Any other relevant matters in this connection.

The maintenance of the Arrest Cards and the From Register, in the Office of the District Magistrate, is not satisfactory. Proper entries should be made in the relevant registers for receipt of the Arrest Cards, and they shall be properly maintained in that Office.

In the Shoolay Police Station, there is a water closet (W.C.) by the side of the Lock Up, and it is having a window by which any person from outside the Police Station, could have access to a prisoner in that water closet. Appropriate arrangement shall be made to see, that the window is properly located and covered so that any person from outside the Police Station, cannot have any access with the person inside the water-closet.

The hearing before the Commission was completed on 21st August 1978, and the Commission was awaiting the extension of time for submission of the report. It was felt by the Commission, that it would be inappropriate to submit the report without the time being extended, and the Government extended the time for submission of the report before 30th September 1978, by Notification No. HD 369 PCC 78, dated 23rd September 1978, and consequently, this report is submitted this 27th day of September 1978.

B. N. KRISHNAN,
Member.

Name and Description of Witnesses examined by the Krishnan Commission of Enquiry, Bangalore.

No. of Witness	*Name*	*Designation*	*Date of Examination*
1		2	3
	Sriyuths—		
1.	Puttaswamy ..	PC. 3681 of Shoolay P.S.	25-3-1978
2.	B. Rudraiah ..	PC. 4095 do	25-3-1978
3.	Gangaiah ..	HC. 3336 do	28-3-1978
4.	Doddahanumaiah ..	HC. 706 do	29-3-1978
5.	Smt. Ratnamma ..	PC. 3283 do	30-3-1978
6.	K. Basavaiah ..	PC. 3460 do	30-3-1978
7.	M. K. Hussain ..	PC. 3713 do	30-3-1978
8.	Sreekantaiah ..	PC. 3035 do	31-3-1978
9.	S. Govindaraju ..	S.I. do	31-3-1978
10.	G. K. Manjunath ..	Asst. Engineer, PWD.	1-4-1978
11.	George ..	Shop Keeper.	3-4-1978
12.	Kesari Mull ..	Pawn Broker	3-4-1978
13.	M. Siddappa ..	PC. 4164, Shoolay Police	3-4-1978
14.	M. A. Raju ..	Photographer	4-4-1978
15.	P. K. Ahmed ..	Manager in Hotel	4-4-1978
16.	Abdul Khader ..	Hotel Partner	4-4-1978
17.	Mohamed Yusuff ..	Server in Hotel	4-4-1978

1	2	3
Sriyuths—		
18. Shankaranarayana Kurup.	Worker in factory	4-4-1978
19. Balan ..	Auto Driver	6-4-1978
20. Daniel ..	do	6-4-1978
21. P. Balakrishna ..	do	6-4-1978
22. P. K. Vasu ..	Auto Driver	6-4-1978
23. Gopinath ..	Painter	6-4-1978
24. Annaiappa ..	Tailor	6-4-1978
25. R. Shivan ..	Bar Bender	6-4-1978
26. C. K. Govindaraju ..	Business	6-4-1978
27. V. M. Mathew ..	Chit Fund Business	7-4-1978
28. Ramaiah ..	Milk Vendor	7-4-1978
29. Hariharan Pillai ..	Asst. Store Keeper, HAL.	7-4-1978
30. Manir ..	Auto Driver	7-4-1978
31. Moidu ..	Packer in Government Medical Stores.	27-4-1978
32. Basappa ..	Oil Merchant	27-4-1978
33. Jayavelu ..	Tailor	27-4-1978
34. A. Kempegowda ..	Police Photographer	27-4-1978
35. H. C. Shivanna ..	Channakaiah	28-4-1978
36. Dr. B. C. Chandregowda.	Prof. of Forensic Medicine	1-5-1978
37. P. D. Joseph ..	Business	1-5-1978
38. Singaraj ..	Contractor	1-5-1978
39. George Thomas ..	Upper Division Clerk, NCC.	12-5-1978

1	2	3
Sriyuths :—		
40. Raghavendra Rao ..	Addl. District Magistrate	12-5-1978
41. G. K. Narayana Reddy.	Prof. of Inorganic Chemistry	16-5-1978
42. Raghavan ..	Business.	18-5-1978
43. H. S. Rangadore ..	Circle Inspector of Police	18-5-1978
44. Baby Kutty ..	Havaldar	29-5-1978
45. Dr. G. J. Mascarenhas		
46. R. K. Raghavan ..	Auto Driver	19:7-1978
47. Muniyappa ..	Milk Vendor	22-7-1978
48. S. N. Borkar ..	S.P., Mandya	25-7-1978
49. J. Yogappa ..	S.I. of Police	25-7-1978
50. K. Srinivasa ..	S.I. of Police	29-7-1978
51. Laxman 0 ..	Electrician	31-7-1978
52. Jagadeshan ..	Watchman, Madras Auto Services	1-8-1978
53. Azad Ahmed ..		
54. K. Viswanath ..	No. 15, Pillamma Garden, Tannery Road, Bangalore.	3-8-1978
55. Vijayan ..	Tailor	3-8-1978
56. C. Daniel Nataraj ..	Cleaner, Corporation	3-8-1978
57. Susainathan ..	Dhobi	5-8-1978
58. Ramachandra Moorthy.	Judicial HM. in D.C's Office	17-8-1978
59. H. D. Yogananda Moorthy.	II Division Clerk	17-8-1978
60. M. Nagaraj ..	III Division Clerk	
61. Smt. Nagarathnamma	(Village Accountant)	

....., 27/9

Member,

Commission of Inquiry.

Description of documents marked by the Krishnan Commission of Inquiry, Bangalore.

Sl. No.	*Description*	*Date of marking*	*Remarks*
1	2	3	4
Ex. P1	Original mahazar for seizure of cycle.	25-3-1978	thro' witness No. 1
Ex. P2	Lockup Guard Book	25-3-1978	thro' witness No. 2
Ex. P2(*a*)	Signature of witness No. 2 in Ex. P2.	25-3-1978	thro' witness No. 2
Ex. P2(*b*)	Signature of witness No. 2 in Ex. P2.	25-3-1978	thro' witness No. 2
Ex. P2(*c*)	Signature	28-3-1978	thro' witness No. 3
Ex. P2(*d*)	Signature	28-3-1978	thro' witness No. 3
Ex. P2(*e*)	Signature	28-3-1978	do
Ex. P2(*f*)	Signature	29-3-1978	do
Ex. P3	Prisoners search regr.	30-3-1978	thro' witness-7
Ex. P3(*a*)	Entry made by PW.7	30-3-1978	witness-7
Ex. P3(*b*)	Entry at Ex. P3	30-3-1978	do
Ex. P3(*c*)	do	30-3-1978	do
Ex. P3(*d*)	do	30-3-1978	do
Ex. P4	Original plan	1-4-1978	do PW. 10
Ex. P5	Prints of Ex. P4	1-4-1978	do
Ex. P6	Print of Ex. P4	1-4-1978	do
Ex. P7	Photographer Positive	3-4-1978	do PW.11

1	2	3	4
Ex. P8	Mahazar	3-4-1978	do PW.11
Ex. P9	Pawn Ticket Book	3-4-1978	do PW.12
Ex. P9(*a*)	Relevant ticket	3-4-1978	do .
Ex. P9(*b*)	Signature of George Kutti	3-4-1978	do
Ex. P9(*c*)	Initials of SI. in Ex. P9	3-4-1978	do PW.12
Ex. P2(*g*)	Signature of PW.13 in Ex. P2.	3-4-1978	do PW.13
Ex. P2(*h*)	Signature of PW.13 in Ex. P2.	3-4-1978	do
Ex. P10	Inquest Report	4-4-1978	thro' PW.4
Ex. P10(*a*)	Signature of PW.14 in Ex. P10.	4-4-1978	do
Ex. P10(*b*)	Signature of PW.15 in Ex. P10.	4-4-1978	thro' PW.15
Ex. P10(*c*)	Signature of PW.16 in Ex. P10.	4-4-1978	thro' PW.16
Ex. P11	Petition	4-4-1978	thro' PW.18
Ex. P11(*a*)	Signature of PW.18 in Ex. P11.	4-4-1978	thro' PW.18
Ex. P12	Sketch	6-4-1978	thro' PW.10
Ex P13	Prints of Ex P12	6-4-1978	do
Ex. P14	Print of Ex. P12	6-4-1978	do
Ex. P11(*b*)	Signature of PW.19 in Ex. P11.	6-4-1978	do PW.19
Ex. P11(*c*) r	Signature of PW. 20 in Ex. P11.	6-4-1978	do PW.20
Ex. P11(*d*)	Signature of PW. 21 in Ex. P11.	6-4-1978	do PW.21

1	2	3	4
Ex. P11(*e*)	Signature of PW. 22 in Ex. P11.	6-4-1978	do PW.22
Ex. P11(*f*)	Signature of PW.23 in Ex. P11.	6-4-1978	do PW.23
Ex. P11(*g*)	Signature of PW.24 in Ex. P11.	6-4-1978	do PW.24
Ex. P11(*h*)	Signature of PW.25 in Ex. P11.	6-4-1978	do PW.25
Ex. P11(*i*)	Signature of PW. 26 in Ex P11.	6-4-1978	do PW 26
Ex. P11(*j*)	Signature of PW.27 in Ex. P11.	7-4-1978	do PW 27
Ex. P11(*k*)	Signature of PW.28	7-4-1978	do PW.28
Ex. P11(*l*)	Signature of PW.29	7-4-1978	do PW.29
Ex. P11(a)	Signature		
Ex. P11(*d*)	Signature		
(*L*)	— do —		
(*M*)	— do —		
Exts. P15 to P20.	Negative photos	thro' PW.	27-4-1978
Exts. P21 to P25.	Positive photographs	do	27-4-1978
Ex. P2(*i*)	Signature of PW.35	28-4-1978	
Ex. P2(*j*)	— do —	28-4-1978	
Ex. P26	Chemical Examiner's Report.	1-5-1978	thro' PW.36
Ex. P27	Histopathology Reportr	1-5-1978	do
Ex. P28	Post mortem report	1-5-1978	do
Ex. P28(*a*)	Endorsement on Ex. P28	1-5-1978	do

1	2	3	4
Ex. P29	Original petition by PW.39.	12-5-1978	do PW.39
Ex. P30	Petition to D.M.	12-5-1978	do PW.40
Ex. P30(*a*)	Endorsement on Ex. P30	12-5-1978	do
Ex. P31	Report of A.D.M.	12-5-1978	do
Ex. P32	Telegram	29-5-1978	PW.
Ex. P33	Postal Card	25-7-1978	
Ex. P34	Telegram	25-7-1978	PW.49
Ex. P35	Cover	25-7-1978	thro' PW.49
Ex P36	Registered cover		
Ex. P37	— do —		
Ex. P38	Voluntary information		
Ex. P39	Mahaza;	29-7-1978	tho'PW 50
Ex. P40	Daily crime occurrance sheet of Bangalore City.	4-7-1977	
Ex. P41	— do —	15-7-1977	
Ex. P40(*a*)	Entry in Ex. P40	31-7-1978	
Ex. P41(*a*)	Entry in Ex. P41	31-7-1978	
Ex. P42	Receipt	1-8-1978	
Ex. P43	Complaint by PW. 52	1-8-1978	
Ex. P44	Mahazar	1-8-1978	
Ex. P45	Affidavit of K. Viswanath	3-8-1978	
Ex. P45(*a*)	Signature of K. Viswanath on Ex. P45.	3-8-1978	
Ex. P45(*b*)	— do —	3-8-1978	

1	2	3	4
Ex.	P4	Fom Register from 20th July 1977 to 23rd August 1977 (No. 6868 to 8910).	17-8-1978
Ex.	P47	Tappal book of Shoolay P.S.	18-4-1978
Ex.	P47(*a*)	Seal	
Ex.	P47(*b*)	Initial	
Ex.	P48	Specimen signature of PW.61.	
Ex.	P49	Book of Arrest Cards	
Ex.	P49(*a*)	Duplicate of the Arrest Card.	
Ex.	P47(c)	Portion in Ex. P47	

List of Material Objects marked in the case

MO. 1	150 mg. of Sodium Chloride.	through PW.41	16-5-1978

....., 27/9

Member,

Commission of Inquiry,

Bangalore.

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